

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KYLE JAMES HARRIS,)	
)	CASE NO. 1:11CV384
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
MDC BROOKLYN, <i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondents.)	<u>ORDER</u> [Regarding ECF No. 7]

Before the Court is the Report and Recommendation of Magistrate Judge George J. Limbert recommending that Petitioner Harris' petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2241](#) be dismissed.¹ [ECF Nos. 3, 7](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas](#), 474 U.S. at 149.

In the instant case, Petitioner Harris has not filed objections to the Report and Recommendation. The Court finds that the Report and Recommendation is supported by the

¹ The matter was referred to Magistrate Judge George J. Limbert for the preparation of a Report and Recommendation on the petition for writ of habeas corpus pursuant to Local Rule 72.2.

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record, and agrees with the recommendation to dismiss the instant petition pursuant to [28 U.S.C. § 2243](#), and that, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), an appeal from this decision could not be taken in good faith.

Accordingly, the Court adopts Magistrate Judge Limbert's Report and Recommendation. [ECF No. 7](#). Petitioner Harris' petition ([ECF No. 3](#)) is dismissed, and an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

June 14, 2011
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge